

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUN 19 2009

CLERK, U.S. DISTRICT COURT
By _____ Deputy

KJD
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAUREN D. BAUMANN,

Defendant,

and

BROKER SOLUTIONS, INC.,
d/b/a NEW AMERICAN FUNDING,

Garnishee.

No. **3-09 CV 1161-K**

APPLICATION FOR WRIT OF GARNISHMENT

The United States of America, makes application under 18 U.S.C. § 3613 and 28 U.S.C. §§ 3201-3206 to the Clerk of the United States District Court for the Northern District of Texas to issue a Writ of Garnishment upon the nonexempt property of Lauren D. Baumann (Baumann), who is a judgment debtor of the United States. This Writ of Garnishment is sought in connection with a Judgment for the United States against Baumann (criminal case number 3:99-CR-275). Computation of the debt as of May 28, 2009 is:

\$2,900,000.00	Judgment amount
<u>(\$55,708.95)</u>	Credits applied to Judgment
\$2,844,291.05	Debt balance

The judgment debtor's full name is Lauren D. Baumann, her social security number is 555-71-5466, and her last known address is 1123 Main Street, Huntington Beach, CA 92648. Not less than thirty (30) days have elapsed since demand on the

debtor for payment of the debt was made and the debtor has not paid the amount due.

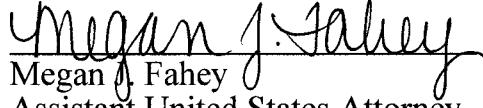
The name and address of the Garnishee or its authorized agent is:

Broker Solutions, Inc., d/b/a New American Funding,
and its affiliates, successors, or assigns
Enrico Arvielo, Registered Agent
17890 Skypark Circle, Suite 100
Irvine, CA 92614

The United States believes the Garnishee, and its affiliates, successors, or assigns, has possession, custody, or control of property in which Baumann has a substantial nonexempt interest, including but not limited to, 25 percent of the Defendant's disposable earnings or the amount by which Defendant's disposable earnings more than thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C. § 206(a)(1), whichever is less. *See* 28 U.S.C. § 3205; 15 U.S.C. § 1673; and *U.S. v. Kaye*, 93 F. Supp.2d 196, 197-98 (D. Conn. 2000). "Disposable earnings" are defined as "that part of earnings remaining after all deductions required by law have been withheld," such as federal income taxes, Social Security taxes, and Medicare taxes. *See* 28 U.S.C. § 3002(5); *First Nat'l Bank of Jasper v. Robinson (In re Robinson)*, 240 B.R. 70, 100 (Bankr. N.D. Ala. 1999).

Respectfully submitted,

JAMES T. JACKS
ACTING UNITED STATES ATTORNEY


Megan J. Fahey
Assistant United States Attorney
Texas State Bar No. 24043655
Burnett Plaza Suite 1700
801 Cherry Street Unit #4
Fort Worth, Texas 76102-6882
Telephone: 817.252.5200
Facsimile: 817.978.6361

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil case. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff Tarrant
(EXCEPT IN U.S. PLAINTIFF CASES)**DEFENDANTS**

Lauren D. Baumann

3-09CV1161-KCounty of Residence of First Listed Defendant Orange**RECEIVED**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

Unknown

19 2009

CLERK U.S. DISTRICT COURT

NORTHEAST DISTRICT OF TEXAS

(Place an "X" in One Box Only for Plaintiff and One Box for Defendant)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PARTIES

(For Diversity Cases Only)

Citizen of This State	PTF	DEF	PTF	DEF	
	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 450 Commerce	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 500 Selective Service
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 510 Other	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input checked="" type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 440 Other Civil Rights	PRISSONER PETITIONS	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 196 Franchise		Habeas Corpus:	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 893 Environmental Matters
REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 210 Land Condemnation		<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 220 Foreclosure		<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 230 Rent Lease & Ejectment		<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 240 Torts to Land		<input type="checkbox"/> 555 Prison Condition		
<input type="checkbox"/> 245 Tort Product Liability				
<input type="checkbox"/> 290 All Other Real Property				

V. ORIGIN

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause: 28 U.S.C. 3205 - Garnishment

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$ 2,844,291.05

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S)
IF ANY**

(See instructions):

JUDGE

Jerry Buchmeyer

DOCKET NUMBER

3:99-CR-275

DATE

6/16/09

SIGNATURE OF ATTORNEY OF RECORD

Megan Fahey

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE